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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/131,846 07/24/98 DENNING

D TU9-98-010

 EXAMINER

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LM12/0927

BONZO, R

ART UNIT

PAPER NUMBER

*3*

2785

DATE MAILED:

09/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/131,846	DENNING ET AL.
	Examiner Bryce P Bonzo	Art Unit 2785

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

1) Responsive to communication(s) filed on 24 July 1998.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

15) Notice of References Cited (PTO-892)                    18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    20) Other: \_\_\_\_\_

## NON-FINAL REJECTION

### **Rejections under 35 USC §102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

5 form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10 (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gates.

As per claim 1, Gates discloses: the specifying of a hardware fault to simulate (column 2, lines 49-53 describes the loading of a command to deliberately cause a 15 fault); determining a signal to output to cause the fault on a bus (column 2, lines 38-46); and, the fault is a simulated fault (column 3, lines 26-28).

As per claim 2, Gates discloses: the use of the fault simulating system on a PCI expansion card (column 3, lines 26-28).

As per claim 3, Gates discloses: determining the proper response of a system to 20 the fault, prior to outputting the fault to the bus (column 4: lines 12-18, lines 32-46 and lines 54-64).

As per claim 4, Gates discloses: determining if the system responded correctly to the simulated fault (column 3, lines 15-22).

As per claim 5, Gates discloses: determining what bus line is associated with the 25 fault (column 4, lines 58-64; column 5, lines 8-62).

As per claim 6, Gates discloses: utilizing the line of the bus to produce a simulated error (column 4, lines 58-64).

As per claims 7-9, Gates discloses: determining the voltage need to produce a simulated fault on the bus (column 4, lines 58-64). Gates specifically describes the step 5 of "forces the parity error PERR line of the PCI bus 101 low..." which to one of ordinary skill in the art is equivalent to applying a voltage to a line in a computer system. Clearly as a specific voltage has bee chosen for a specific result, the voltage was deliberately determined prior to being applied to the bus. Gates has further specifically recites the use of the system on a PCI numerous times.

10       Claims 10-18 are rejected as being the data processing system of the method claims 1-~~4~~<sup>1</sup> of the present invention and are rejected accordingly.

### Conclusion

Any inquiry concerning this communication or earlier communications from the 15 examiner should be directed to Bryce P Bonzo whose telephone number is (703)305-4834. The examiner can normally be reached on Monday through Friday from 6:30AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703) 305-9713. The fax phone 20 number for the organization where this application or proceeding is assigned is (703) 305-3718.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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SUPERVISORY PATENT EXAMINER  
GROUP 2700